

H.B. No. 0108	Trespass-landowner liability.
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Sponsored By: Representative(s) Miller, Brown and Greear and
Senator(s) Burns, Christensen, Driskill, Geis,
Hicks and Kinskey

AN ACT relating to property; specifying the duty of care a landowner owes to a trespasser; providing definitions; and providing for an effective date.

1/14/2015 Bill Number Assigned
1/16/2015 H Received for Introduction
1/16/2015 H Introduced and Referred to H05 - Agriculture
1/29/2015 Agriculture:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Blake, Campbell, Eklund, Hunt, Jaggi, Laursen, Lindholm, McKim

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

1/29/2015 H Placed on General File

HB0108HS001/FAILED

Page 3-line 11 After "trespass;" insert "and".
Page 3-line 16 After "child;" insert "and".
Page 3-line 21 After "it;" insert "and". EKLUND, VICE CHAIRMAN

2/2/2015 H COW Passed
2/3/2015 H 2nd Reading:Passed
2/4/2015 H 3rd Reading:Passed 56-3-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown Speaker, Burkhart, Campbell, Cannady, Clem, Connolly, Dayton, Edmonds, Edwards, Eklund, Esquibel, Freeman, Greear, Halverson, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, Northrup, Patton, Paxton, Petroff, Piiparinen, Pownall, Reeder, Schwartz, Sommers, Steinmetz, Stubson, Throne, Walters, Wilson, Winters, Zwonitzer,Dn, Zwonitzer,Dv

Nays: Representative(s) Byrd, Gay, Pelkey

Excused: Representative Harshman

Ayes 56 **Nays** 3 **Excused** 1 **Absent** 0 **Conflicts** 0

2/4/2015 S Received for Introduction
2/24/2015 S Introduced and Referred to S09 - Minerals
2/25/2015 Minerals:Recommend Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.L. (SD28), Coe, Cooper, Rothfuss, Von Flatern

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/25/2015 S Placed on General File
2/25/2015 S COW Passed

HB0108S2001/FAILED**(CORRECTED COPY)**

Page 3-line 2 After "**34-19-203.**" delete balance of line and
insert "**Exceptions.**".

Page 3-line 3 Delete.

Page 4-after line 6 Insert:

"(b) An owner of land who knows or has reason to know that a trespasser is present is liable for physical harm caused to the trespasser if the owner fails to exercise reasonable care in carrying out activities on the land that subject the trespasser to a risk of death or serious bodily injury.

(c) An owner of land who maintains an artificial condition on the land which involves a risk of death or serious bodily harm to persons coming in contact with it, is subject to liability for bodily harm caused to trespassers by his failure to exercise reasonable care to warn them of the condition if:

(i) The owner knows or has reason to know of their presence in dangerous proximity to the condition; and

(ii) The condition is of such a nature that he has reason to believe that the trespasser will not discover it or realize the risk involved.". NICHOLAS, PERKINS, BEBOUT

ROLL CALL

Ayes: Senator(s) Case, Craft, Esquibel, Hastert, Nicholas Pres, Perkins, Ross, Rothfuss

Nays: Senator(s) Anderson, J.D. (SD02), Anderson, J.L. (SD28), Barnard, Bebout, Burns, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Geis, Hicks, Johnson, Kinskey, Landen, Meier, Pappas, Peterson, Scott, Von Flatern, Wasserburger

Ayes 8 **Nays** 22 **Excused** 0 **Absent** 0 **Conflicts** 0

HB0108S2002/FAILED

Page 4-after line 6 Insert and renumber:

"(b) The provisions of this section shall not apply to agricultural land or agricultural operations which are dangerous by their nature.". MEIER

2/26/2015 S 2nd Reading:Laid Back

2/27/2015 S 2nd Reading:Passed

3/2/2015 S 3rd Reading:Passed 24-6-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.D. (SD02), Anderson, J.L. (SD28), Barnard, Bebout, Burns, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Pappas, Peterson, Scott, Von Flatern, Wasserburger

Nays: Senator(s) Case, Esquibel, Nicholas Pres, Perkins, Ross, Rothfuss

Ayes 24 **Nays** 6 **Excused** 0 **Absent** 0 **Conflicts** 0

3/2/2015 Assigned Number HEA No. 0089

3/2/2015 H Speaker Signed HEA No. 0089

3/3/2015 S President Signed HEA No. 0089

3/10/2015 Governor Signed HEA No. 0089

3/10/2015 Assigned Chapter Number

Chapter No. 145 Session Laws of Wyoming 2015